

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3028

03/14/2016 Authored by McDonald, Drazkowski and Anderson, M.,
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to eminent domain; providing for certain attorney fees; amending
1.3 Minnesota Statutes 2014, section 117.031.
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2014, section 117.031, is amended to read:

1.6 **117.031 ATTORNEY FEES.**

1.7 (a) If the final judgment or award for damages, as determined at any level in the
1.8 eminent domain process, is more than 40 percent greater than the last written offer of
1.9 compensation made by the condemning authority prior to the filing of the petition, the
1.10 court shall award the owner reasonable attorney fees, litigation expenses, appraisal fees,
1.11 other experts fees, and other related costs in addition to other compensation and fees
1.12 authorized by this chapter. If the final judgment or award is at least 20 percent, but not
1.13 more than 40 percent, greater than the last written offer, the court may award reasonable
1.14 attorney fees, expenses, and other costs and fees as provided in this paragraph. The final
1.15 judgment or award of damages shall be determined as of the date of taking. No attorney
1.16 fees shall be awarded under this paragraph if the final judgment or award of damages
1.17 does not exceed \$25,000. For the purposes of this section, the "final judgment or award
1.18 for damages" does not include any amount for loss of a going concern unless that was
1.19 included in the last written offer by the condemning authority.

1.20 (b) If the original offer made to the owner is less than 85 percent of the final
1.21 judgment or award for damages, as determined at any level in the eminent domain process,
1.22 the court shall award the owner reasonable attorney fees, litigation expenses, appraisal
1.23 fees, other experts fees, and other related costs in addition to other compensation and fees
1.24 authorized by this chapter. For the purposes of this paragraph, "original offer" means the

2.1 first written offer of compensation, including a written offer during negotiation under
2.2 section 117.036, subdivision 3, made by the condemning authority to the owner.

2.3 ~~(b)~~ (c) In any case where the court determines that a taking is not for a public use or
2.4 is unlawful, the court shall award the owner reasonable attorney fees and other related
2.5 expenses, fees, and costs in addition to other compensation and fees authorized by this
2.6 chapter.